

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned
 OTHER MINOR OFFENSE MO ☐
 OTHER MISDEMEANOR Mis ☐
 FELONY Fel ☒ 1085 4
 District Office 8-3-76

U.S. vs. GAFFORD, HOMER LEE (56)
 468 S. 94th E. Ave., Tulsa 74112
 PH: 836-5340
 (LAST, FIRST, MIDDLE)

Case Filed
 Mo. Day
 05 25
 No. of Def's
 * 2
 JUVENILE

76-CR-69 - 1

Yr. Docket No. Def.

U.S. MAG. CASE NO. 76-66M

U.S. TITLE/SECTION

18:659

OFFENSES CHARGED

Stolen interstate shipment
 (\$5,000 and/or 10 years)

ORIGINAL COUNTS

Surety: Pete King, International Fidelity Insur. Co.
 215 W. 5th St., Tulsa 74103 PH: 583-7774

SUPERSEDING COUNTS

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 5-20-76	High Risk Date 5-25-76	6-3-76	Trial Set For 7-19-76	Voir Dire <input type="checkbox"/>
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 6-3-76	NG <input checked="" type="checkbox"/> G <input type="checkbox"/> NOL <input type="checkbox"/>	Disposition of Charges 8-3-76
First Appearance	In Charging District	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	Final Plea 7-19-76	NG <input type="checkbox"/> G <input checked="" type="checkbox"/> NOL <input type="checkbox"/>
			Trial Began <input type="checkbox"/>	<input checked="" type="checkbox"/> Convicted
			Trial Ended <input type="checkbox"/>	<input type="checkbox"/> Acquitted
				<input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
				<input type="checkbox"/> On Governm'ts Motion

MAGISTRATE

DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
5-20-76	MLB/850a	5-20-76	MLB/850a	<input type="checkbox"/> DISMISSED
5-20-76	MLB/850a	5-28-76		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
5-20-76	MLB/850a			<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
COMPLAINT				
OFFENSE (In Complaint)				

U.S. Attorney or Asst.

ATTORNEYS

Defense: ☐ CJA ☒ Ret; ☐ Waived, ☐ Self, ☐ None / Other: ☐ PD, ☐ CD

Ben F. Baker, Ass't.

Ed Parks
 217 West 5th St.
 Tulsa, Okla. 74103

PH: 582-3222

* Show last names and suffix numbers of other defendants on same indictment/information:

1976

2) CHURCH

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY
			(a) (b) (c) (d)
5-20		Initial hearing. Preliminary hearing set for May 28, 1976 at 9:30 A.M. Deft. released on \$10,000 surety bond. (MLB-Mag.)	
5-25		Record vote of the Grand Jury Concurring, fld. in Open Court. v	
5-25		Indictment, fld. in Open Court. (Allen E. Barrow, Chief Judge)v	
5-26		MO: Case set for ARRAIGNMENT on 6-3-76 at 10:00 a.m. Deft. granted 10 days to file motions; Govt. then granted 5 days to respond. (AEB-J)v -notices mld. cert.	
6-3		Case called for arraignment & plea. Deft. present & represented. Govt. represented. Deft. acknowledges receipt of indict., is advised of charge & is arraigned. Deft. enters plea of NOT GUILTY. Case set for trial on 7-19-76, 9:30 A.M. Deft. to stand on present bond. (AEB-J)b	
6-8		Notices re jury trial setting mld. cert. mail this date. v	

IV. PROCEEDINGS (continued)			V. EXCLUDABLE DELAY			
DATE	(DOCUMENT NO.)	PAGE TWO	Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
7-19-76		Case called for jury trial. Deft. present & represented. Govt. represented by K. Snoke for B. Baker. Deft. announces desire to change plea. Deft. requests Ct. to accept plea of Nolo contendere. Govt. objects. Ct. allows plea. Deft. placed under oath. Deft. w/draws plea of Not Guilty & enters plea of Nolo contendere. Ct. accepts. Deft. waives jury; waiver signed & filed in open court. Indict. read. Ct. orders pre-sent. report. Bond continued. Sentence set for 8-3-76, at 10:00 A.M. (AEB-J)b				
7-21		Return on Cr. Subpoena to Testify, fld. /serve Lawrence Junior Barnes in Tulsa. Fees of \$3.84. v				
8-3-		Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sentence in pronounced: Judgment & Sentence - Homer Lee Gafford Atty Gen. - Thirty-six (36) mos., & on condition that Deft. be confined to jail type institution for period of six (6) mos, the execution of remainder of sent. of imprisonment is hereby suspended & Deft. is placed on probation for thirty (30) mos. Conditions of probation are that Deft. avoid assoc. w/criminals & not violate any laws. Further ordered that Sent. is deferred til 9-9-76, at 10:00 A.m., at which time Deft. is to report to USM. Bond continued. (AEB-J)b				
8-3		Judgment & Commitment, filed & entered. (AEB-J)b				
8-3		Two c/c of J&C to USM. b				
8-3		Two c/c of J&C to probation. b				
9-9		Mot. of Deft. for stay of execution of sentence, fld. v -cpy to Dene (needs no order, per Dene)				
9-9		Order staying execution of sentence until 10 A.M., 10-1-76, filed. (AEB-J)g cp to USM & counsel. 10-1-76				
10-13-		J&C, ret. & filed: deft. delivered to USP, Leavenworth, Ks. on 10-8-76. g				
6-1-77		Motion for reduction of sentence, filed pro se by Mary Gafford, wife of defendant. g				
6-1-77		Order, filed, overruling motion to reduce sentence. (HDC-J)g cp mld. (HDC-J)g cp mld. 7-6-77				

FINE AND RESTITUTION PAYMENTS					
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244).B. NARA Exami-
nation (28
U.S.C. 2902).C. State or Federal
trials on other
charges.D. Interlocutory
Appeals.E. Hearings on
pretrial motions.F. Transfers from
other districts
(per F.R.Cr.P.
Rules 20, 21
& 40).G. Defendant Mo-
tion is actually
under advise-
ment. Period of
up to 30 days
is excludable
per
3161(h) (1) (G).H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Departa-
tion,
Extradition.I. Prosecution de-
ferred by
mutual agree-
ment.M. Unavailability
of defendant
or essential
witness.N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.O. Period of
NARA Com-
mitment or
Treatment.P. Superseding
indictment
and/or new
charges.R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.T. Continuances
Granted per
3161(h) (8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendants'
interests).U. Time between
guilty plea and
plea with
drawal.W. Grand Jury in-
dictment ex-
tended per
3161 (b).

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned U.S.
 OTHER MINOR OFFENSE MO ☐ 8509 vs.
 OTHER MISDEMEANOR Mis ☐ 1085 4 Dis./Sentence
 FELONY Fel ☒ 8-3-76 (LAST, FIRST, MIDDLE)

CHURCH, HERBERT ELMER (36)
 Route 3, Box 339B, Sapulpa 74066
 PH: 299-3298

Case Filed
 Mo. Day
 05 25
 No. of Def's
 * 2

76-CR-69 - 2

U.S. MAG. CASE NO. 76-66M

U.S. TITLE/SECTION
 18:659

OFFENSES CHARGED
Stolen interstate shipment
 (\$5,000 and/or 10 years)

ORIGINAL COUNTS 1

BAIL • RELEASE

AMT ☐ Fugitive
 Denied ☐ Set ☒ Pers. Recog.
 PSA

\$ 10,000 conditions

Date 5-20-76
☐ 10% Deposit
☐ Surety Bond

☐ Bail Not Made
☐ Status Changed (See Docket)
☐ Collateral
☐ 3rd Prty Cust
☐ Other

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 5-20-76	High Risk Date 5-25-76	6-3-76	Trial Set For 7-19-76	8-3-76
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 6-3-76	Voir Dire <input type="checkbox"/>	<input checked="" type="checkbox"/> On All Charges
First Appearance	In Charging District	Final Plea 7-19-76	Trial Began <input type="checkbox"/>	<input type="checkbox"/> On Lesser * Offense(s)
	Superseding Indict/Info <input type="checkbox"/>		Trial Ended	<input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
				<input type="checkbox"/> On Govern'ts Motion

MAGISTRATE		DATE	INITIAL/NO.	OUTCOME:
Search Warrant	Issued	5-20-76	MLB/850a	<input type="checkbox"/> DISMISSED
	Return			<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Summons	Issued	5-20-76	MLB/850a	<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
	Served			
Arrest Warrant Issued	5-20-76	MLB/850a		
COMPLAINT	5-20-76	MLB/850a		
OFFENSE (In Complaint)	Possession of stolen interstate shipment			

U.S. Attorney or Asst.

Ben F. Baker, Ass't.

ATTORNEYS

Defense: ☒ CJA, ☐ Ret, ☐ Waived, ☐ Self, ☐ None / Other, ☐ PD, ☐ CD

Robert W. Booth
 1419 South Denver
 Tulsa, Okla. 74119

583-4136

* Show last names and suffix numbers of other defendants on same indictment/information:

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
1976	1) GAFFORD		
5-20		Initial hearing. Counsel appointed. Preliminary hearing set for May 28, 1976 at 9:30 A.M. Deft. released on \$10000 personal bond. (MLB-Mag.)	
5-25		Record vote of the Grand Jury Concurring, fld. in Open Court. v	
5-25		Indictment, fld. in Open Court. v	
5-26		MO: Case set for ARRAIGNMENT on 6-3-76 at 10:00 a.m. Deft. granted 10 days from this date to file motions; Govt. granted 5 days to respond. (Allen E. Barrow, Chief Judge)v	
6-3-		Case called for arraignment & plea. Deft. present & represented. Govt. represented. Deft. acknow. receipt of indict., is advised of charge & is arraigned. Deft. enters plea of NOT GUILTY. Case set for trial on 7-19-76, at 9:30 A.M. Deft. to stand on present bond. (AEB-J)b	
6-8		Notices mld. cert. mail this date in re jury trial setting. v	

DATE		IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY				LETTER CODES
		(DOCUMENT NO.)		Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)	For Identifying Periods of Exclud- able Delay Per 18 U.S.C. 3161(h)
7-19		Case called for jury trial. Deft. present & represented. Govt. represented. by K. Snoke for B. Baker. Deft. announces desire to change plea. Deft. placed under oath & w/draws plea of Not Guilty & enters plea of Nolo contendere. Ct. accepts plea over Govt. objection. Deft. waives jury; waiver signed & filed in open court. Indict. read. Ct. orders pre-sentence report. Bond continued. Sentence set for 8-3-76, at 10:00 A.M. (AEB-J)b						A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244);
7-21		Return on Cr. Subpoena to Testify, fld. Unable to serve Lawrence Junior Barnes in Tulsa. Fees of \$3.84. v (orig. on 76-CR-69-1)						B. NARA Examination (28 U.S.C. 2902);
8-3		Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - Herbert Elmer Church Imposition of sentence is suspended & Deft. is placed on probation for period of two (2) years. Condition of probation are that Deft. avoid assoc. w/criminals or violate law. Bond exonerated. (AEB-J)b						C. State or Federal trials on other charges.
8-3		Judgment & Order of Probation, filed & entered. (AEB-J)						D. Interlocutory Appeals.
8-3		Two c/c of J & Ord. of Prob. to probation. b						E. Hearings on pretrial motions.
								F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
								G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
								H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
								I. Prosecution deferred by mutual agreement.
								M. Unavailability of defendant or essential witness.
								N. Period of mental or physical incompetence of defendant to stand trial.
								O. Period of NARA Commitment or Treatment.
								P. Superseding indictment and/or new charges.
								R. Defendant awaiting trial of Co-defendant when no severance has been granted.
								T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendants' interests).
								U. Time between guilty plea and plea withdrawal.
								W. Grand Jury indictment extended per 3161 (b).

FINE AND RESTITUTION PAYMENTS					
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER